

Music, Vicky

From: Terry Scanlan [TScanlan@spfwater.com]
Sent: Thursday, September 18, 2008 4:11 PM
To: Music, Vicky
Subject: RE: JMM transfer application

Vicky –

The stockwater and domestic uses will remain unchanged at the existing places of use and points of diversion. Let me know if you need anything else. Thanks.

Terry

-----Original Message-----

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Thursday, September 18, 2008 3:48 PM
To: Terry Scanlan
Subject: JMM transfer application

Terry –

The transfer application includes right 63-4023B that has a stockwater use, and 63-2535 that has a de minimus domestic use. What does the applicant intend should happen with these? Are they going away? Will the domestic use in 63-2535 stay with the house? These uses are not shown in Part 1(B)(5) place of use or elsewhere in the application. Thanks.

Vicky L. Music

Sr. Water Resource Agent

Adjudication Bureau

IDWR/Western Region

2735 Airport Way

Boise, Idaho 83705-5082

(208) 334-2190

Music, Vicky

From: Music, Vicky
Sent: Thursday, September 04, 2008 1:18 PM
To: TScanlan@spfwater.com
Subject: JMM application for transfer

Attachments: img-904121404.pdf; img-904073416.pdf

Hi Terry –

I am working through the above application and see that the pou includes enlargement right 63-32266. This right has not yet been decreed by the SRBA Court. It is for 12 acres in the SESW S25.

So, the transfer app needs to be amended to include this right. This can most easily be done by including by the following:

1 – amend page 1 by changing the total acres to 404 in the page 1A which would be a continuation of Part 1(B)(1). Then on page 1A, Part (1)(2), the quantities/afa would remain the same. I have also attached a scanned copy of page 1 to be amended.

2 - The attachment to this email can be included as an amendment to the application Part 2 as page 12B. Please have the applicant answer the forfeiture question in the attachment.

3 - I believe you have a template of the application, so please generate a page 1A adding 63-32266 to the transfer.

Please have the applicant initial and date all 3 amendments and return the originals to me by 10/10/2008. Thanks –



mg-904121404.pdf
(42 KB)



mg-904073416.pdf
(47 KB)

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
[208]334-2190

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 63-32266

Priority Date: 03/01/1987

Origin: Adjudication Recommendation

Basis: Beneficial Use

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/01 11/15	0.23 CFS	54.0 AFA	
	Total Diversion	0.23 CFS	54.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NENE 05N 01E 35 ADA

GROUND WATER NENE 05N 01E 36 ADA

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	25												12.0					12.0

Total Acres: 12

Conditions/Remarks:

1. This right is for an enlargement of 12 acres within the place of use described for this right.
2. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
3. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. This right is based upon an enlargement of Right Nos. 63-2535, 63-4023B, 63-4086B and 63-7123 pursuant to Section 42-1426, Idaho Code.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. 13817
Receipt No. _____

Current Water Right No. 63-32266

Documentation of Ownership of the Current Place of Use N/A

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

} SEE
Attachment
C

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

**SPF**

Water Engineering, LLC
water resource consultants

RECEIVED

AUG 15 2008

**WATER RESOURCES
WESTERN REGION**

August 13, 2008

Vicky Music
Senior Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: JMM Dry Creek, LLC - Application for Transfer 73817

Dear Vicky:

In response to your email of May 5, 2008, and subsequent letter dated July 25, 2008, I have enclosed a corrected page 2 of Transfer 73817. The page has been corrected by completing Part 1 (6)(a) of the application. Also enclosed is a notarized statement from the lien holder, Bank of America, N.A.

Thank you for your patience on this matter. Please contact me with any questions.

Sincerely,

Terry M. Scanlan, P.E.

Cc: Sharon Fodness – Land Baron Investments
Charlie Potter– Land Baron Investments
Charlie Honsinger– Ringert-Clark

PART 1**6. General Information:**

Description of diversion system New pump in Dry Creek. One new irrigation well and two existing irrigation wells with pumps. All discharging to a pressurized irrigation system.

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Irrigated area will be developed for residential use. Lands within the proposed place of use will be irrigated with pressurized irrigation system.

c. Remarks:

Maximum diversion rate from Dry Creek and groundwater not to exceed 7.84 cfs and 1764 afa for irrigation of 392 acres. Dry Creek water right 63-17454 will be used to the maximum extent allowable when water is available. Pressurized irrigation system will also deliver treated municipal wastewater for land application on the same 392 acres within 739-acre permissible place of use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

Music, Vicky

From: Terry Scanlan [TScanlan@spfwater.com]
Sent: Monday, July 28, 2008 1:26 PM
To: Music, Vicky
Subject: FW: Dry Creek - Application for transfer of water rights

Vicky –

This is in regard to the JMM Dry Creek water right transfer application.

Terry

-----Original Message-----

From: Sharon Fodness [mailto:sfodness@Landbaroninv.com]
Sent: Monday, July 28, 2008 12:49 PM
To: Terry Scanlan
Subject: Dry Creek - Application for transfer of water rights

Hi Terry,

The lender is finalizing the letter for Section 6 (b) and it will be signed next week by a Sr. VP who is on vacation this week. I hope to forward it to you by end of next week. Thx.

Sharon Fodness

LandBaron Investments

5275 S Durango Drive | Las Vegas, NV | 89113

702.851.3999 ofc | 702.851.3998 fax | 702.561.7994 cell

sfodness@landbaroninv.com

7/28/2008